

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

IN RE:

**AREDIA[®] AND ZOMETA[®] PRODUCTS
LIABILITY LITIGATION**

(MDL No. 1760)

This Document Relates To Case No.:

No. 3:06-CV-00966 (Wilson)

No. 3:06-CV-00977 (Cherry)

No. 3:06-CV-01124 (Saldana)

No. 3:06-CV-01128 (High)

No. 3:07-CV-00277 (Clark)

No. 3:07-CV-00526 (Rodriguez)

No. 3:07-CV-00571 (Preston)

No. 3:07-CV-00666 (Rios)

No. 3:07-CV-00777 (Massey)

No. 3:08-CV-00018 (Green)

No. 3:08-CV-00241 (Lawrence)

No. 3:08-CV-00363 (Schamber)

No. 3:08-CV-00573 (Amerson)

No. 3:08-CV-00582 (Pace)

No. 3:08-CV-00671 (Clement)

No. 3:08-CV-00792 (Kirkwood)

No. 3:06-MD-1760

JUDGE CAMPBELL

MAGISTRATE JUDGE BROWN

**ORDER GRANTING PARTIAL SUMMARY JUDGMENT FOR
DEFENDANT NOVARTIS PHARMACEUTICALS CORPORATION**

Plaintiffs in the above-referenced non-Wave-I lawsuits are, or were before their deaths, residents and citizens of Texas who allege, *inter alia*, that defendant Novartis Pharmaceuticals Corporation (“NPC”) failed to provide adequate warnings or information about Aredia[®] and/or Zometa[®]. NPC contends that it is entitled to partial summary judgment in these cases based on a Texas statute, Tex. Civ. Prac. & Rem. Code Ann. § 82.007(a), and federal preemption principles, for the reasons set forth in the Court’s partial summary judgment rulings in the Wave I lawsuits filed by Jacqueline Wilson and other Texas plaintiffs. *See In re Aredia & Zometa Prods. Liab.*

Litig., No 3:06-MD-1760, 2008 WL 29944910 (M.D. Tenn. July 25, 2008) (Docket No. 1478) (hereinafter, “*Wilson*”).

Plaintiffs in the above-referenced lawsuits oppose NPC’s request for partial summary judgment, but do not dispute that the legal issues in these cases are the same as those recently decided by this Court in *Wilson*. Plaintiffs and NPC have agreed that, in these circumstances, it is unnecessary for the parties to brief these summary judgment issues again. Plaintiffs and NPC have jointly submitted this order. Plaintiffs agree with the wording of this order – except that they do not consent to the Court entering partial summary judgment for NPC.

Accordingly, the Court hereby enters partial summary judgment for NPC on all claims that allege failure to provide adequate warnings or information about Aredia[®] and/or Zometa[®], for the reasons set forth above and in *Wilson*. The Court acknowledges that plaintiffs have reserved the right to seek appellate review of these rulings when they become appealable.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Todd Campbell", is written over a horizontal line.

TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE